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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,977	01/30/2001	Harry van der Pol	040010-937	9429

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EXAMINER

LE, LANA N

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 08/03/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/771,977

Applicant(s)

POL, HARRY VAN DER

Examiner

Lana N Le

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10-23 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-7, 10-23 and 25-30 is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 05/18/04 have been fully considered but they are not persuasive.

Regarding independent claims 1 and 3, applicant argue that in the cited reference, Johnson, a signal from an oscillator was used to calibrate the amplifier gain. In the Johnson reference, the calibration signal is attenuated and adjusted to a new calibration signal at amplifier 74, see col 3, line 68- col 4, line 14. The claims merely state a calibrating signal for measuring the gain of one or more amplifiers without using a received input signal, nowhere in the claim did it go into the specific details of either using or not using a local oscillator signal to calibrate the amplifier gain is an essential element of the claimed invention. Therefore, claims 1-4 stand as rejected as in the previous final office action.

Regarding claims 5-7, 10-23, 25-30, a calibration signal not from the local oscillator is added and therefore in condition for allowance.

The referral to the second reference, Logan, in the response to the arguments filed 02/19/04 for previously rejected dependent claims 15, 17, 26 and 28 and not intended for the independent claim 1. The combined reference, Johnson and Logan further discloses the calibrating signal can be a noise power which is well known in the prior art.

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The newly added independent claims 31-33, contains objected subject matter from objected claims 8-9 and 24 of the previous office action and are therefore in condition for allowance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (US 4,031,469).

Regarding claim 1, Johnson discloses a method for calibrating one or more amplifiers 50 comprising the steps of:

i) generating a noise signal (calibrating signal) produced by the one or more amplifiers 50 when no input signal from antenna (fig. 2 and hereafter) is connected (switch 64 connected to 68) to at least one amplifier of the one or more amplifiers 50 (col 3, lines 20-62; col 3, line 68 - col 4, line 14); and

ii) using the noise signal as a calibrating signal for estimating a corresponding gain (G) of the one or more amplifiers 50 by measuring at 60 at least one output of the one or more amplifiers 50 the amount of noise of the one or more amplifiers 50 (col 4, lines 5-26).

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Regarding claim 2, Johnson further discloses a method for calibrating one or more amplifiers 50 according to claim 1, wherein the gain (G) is further adjusted in accordance with the calibrating signal (col 4, lines 18-26).

Regarding claim 3, Johnson discloses a method for calibrating a receiver generating a noise signal produced by one or more amplifiers 50 of the receiver when an input signal is disconnected (switch 64 to 68) from the receiver (col 3, lines 20-62; col 3, line 68 –col 4, line 14); and

ii) using the noise signal as a calibrating signal for estimating a corresponding gain (G) of the one or more amplifiers in the receiver by measuring 60 at the output of the receiver the amount of noise of the one or more amplifiers 50 (col 3, line 68 - col 4, line 26).

Regarding claim 4, Johnson further discloses a method for calibrating a receiver according to claim 3, wherein the gain is further adjusted in accordance with the calibrating signal (col 4, lines 18-26).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lana N Le whose telephone number is (703) 308-5836. The examiner can normally be reached on M-F 10-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F Urban can be reached on (703) 305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lana Le

July 21, 2004